IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY
And
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO: 9421 of 1998

Between:
G.Kishan S/o.Eeroji
R/o.H.No.6-63,Shabunagar, Miryalaguda Nalgonda District.

... PETITIONER

AND

1 The Government of A.P Rep.by its Secretary,Department of Home Secretariat Hyderabad.
2 The Inspector General of Police A.P.Special Police Station Hyderabad.
3 The Deputy Inspector General of Police S.A.R/C.P.L Amberpet Hyderabad.
4 The Commandant SAR/CPL Amberpet Hyderabad.

...RESPONDENT (S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction more particularly one in the nature of writ of Mandamus granting the following reliefs: (a) to declare the order dated 28-7-1997 in O.A.No.6966/93 passed by the Hon'ble Andhra Pradesh Administrative Tribunal is as bad and illegal and contrary to law and the material on record. (b) to declare the progs.Rc.No.1288/74/52/OE/PR/74, 4891 dtd.7/8 October 1974 issued by the 3rd respondent as null and void. (c) to declare the Progs.No.53/APP/A3/93 dt.4-8-1993 (RO.No.498/93) issued by the 2nd respondent as null and void (d) Consequently to direct the respondents to reinstate the petitioner into service or alternatively; pay all the consequential monetary and service benefits from the date of his dismissal treating that the petitioner is in service till the age of super annuation i.e., upto 60 years of age and pass such other order or orders.

Counsel for the Petitioner: MR.G.CHANDRAIAH

Counsel for the Respondents: GP FOR HOME

The Court Made the Following Order:

ORAL ORDER: (Per GB, J)

This Writ Petition is filed assailing the order passed by the A.P. Administrative Tribunal in O.A.No.6966 of 1993 dated 28-07-1997.

2. The petitioner was working as Police Constable in Special Armed Reserve. He was dismissed from service on 7/8 October 1974. It appears that he made an application before the authorities and it was not disposed of in reasonable time. Thereafter, he filed the said O.A in 1993 after a lapse of twenty years challenging the order passed by the appellate authority including the order of dismissal dated 7/8 October 1974, on the ground of laches and also on merits. Against the said order, the present Writ Petition is filed.

3. Learned counsel for the petitioner submits that the order of the Tribunal is illegal and contrary to law. He further submits that when the dismissal order has been passed, he filed an appeal and there is delay in disposal of the said appeal, but that cannot be attributed to the petitioner. We are afraid we cannot accept the said contention raised by the counsel for the petitioner. Admittedly when the petitioner was dismissed from service on 7/8 October 1974, he should have approached the Tribunal within a reasonable

time *de hors* the appeal pending before the appellate authority.

4. We do not find any merits in the Writ Petition. The Writ Petition is dismissed. No costs.

ASSISTANT REGISTRAR

June 17, 2004
MRR

// TRUE COPY //

SECTION OFFICER

Copy to:

1 The Secretary, Department of Home, Secretariat Hyderabad.
2 The Inspector General of Police A.P.Special Police Station Hyderabad.
3 The Deputy Inspector General of Police S.A.R/C.P.L Amber pet Hyderabad.
4 The Commandant SAR/CPL Amber pet Hyderabad.
5. Two C.C.s to G.P. for Home, High Court Buildings, Hyderabad (OUT)
6. Two C.D. Copies.